

Remarks

The Office Action dated May 16, 2007, has been noted, and its contents carefully studied the date for response has been extended by separate petition to October 16, 2007. In light of the following comments and amendments made herein, reconsideration of the rejection under 35 U.S.C. §103 is courteously requested.

Initially, the Examiners indication that the 35 U.S.C. §§ 112 rejection has been withdrawn is grateful acknowledged. Further, the acceptance of the previously filed terminal disclaimer is also gratefully acknowledged.

With respect to the invention as now recited in the claims, it is noted that claim 1 calls for a method, performed by a computer system, for collecting network usage data about users accessing a network and resources thereon without associating personally identifiable information with the usage data. The method requires obtaining an identifier at a network service provider representing one or more users of a computer network. An anonymized identifier is created using the identifier obtained from the network service provider. A collection engine which is connected to the network service provider collects data being transmitted across the computer network. The collection engine also associates the anonymized identifier with the collected data. Where the collected data is sent to or from the one or more users, transaction record is created, and the transaction record is then stored by the collection engine in the database separate from the network service provider.

New claim 31 is similar to claim 1, but requires that the method "consists substantially of" the aforementioned steps recited in claim 1.

New claim 28 requires that the collection engine is a passive device which monitors network traffic, collects data by network transactions and records the data in a database. Yet still further, claim 29 requires creating online behavioral profiles unassociated with individual users, through the use of the collection engine. In a yet still further modification, the method is performed with multiple collection engines monitoring network traffic, collecting data network

transactions and recording the data in the database. The collection engines are configured and managed and the data collected therewith aggregated through the use of an aggregation server.

It is respectfully urged that the invention as recited in the claims as amended, and presented in new claims, is not obvious from the cited references as will more clearly evident from the following detailed discussions of these references presented herein with the Examiner's kind consideration.

The article entitled Index: "A Platform for Determining How People Value the Quality of Their Internet Access" by Rupp et al. (hereinafter "Rupp") as previously urged, is an experimental platform for determining how people value the quality of their internet access. In specific aspects, a project networks operation center provides IP service over dedicated ISDN lines in order to establish a predictable and stable operating system between the subject homes and a network operation center. Each user interacts with their system through a "Control Center" which is a java application running on the users' computers. This is a central application enabling users to select different qualities of services and control the usage of network resources. The Control Center application communicates each users choices and selected quality level as controlled data going through a Billing Gateway to a supervisor process. The supervisor process then orders the Billing Gateway to treat the user's connections according to the selected quality level. This is not an internet service provider in the context of an ISP as described and understood from Applicant's Specification.

User traffic is monitored and recorded at a fairly detailed level for both billing purposes and subsequent offline analysis. In contrast, Applicant's invention is a method for collecting network user data, performed by a computer system, with the network usage data being about users accessing the network and resources thereon without associating personally identifiable information with the usage data. In accordance with the invention a collection engine is connected to a network service provider which in turn associates the anonymized identifier with collected data through use of the collection engine, to create a transaction record.

As now also recited in claim 31, the method is similar to that recited in claim 1 but is recited as "consisting substantially of" the steps of claim 1 thereby precluding and distinguishing over the teachings of Ruff which requires a Control Center application in cooperation with a supervisor and a Billing Gateway to implement the system. The stubborn fact remains that Ruff is nothing more than an experiment and does not reflect or teach the one of ordinary skill in the art the method of Applicant's invention which is conducted in a computer system through interaction with a real commercial network such as the internet, with a conventional ISP, and with the use of a separate and/or plural collection engines as recited in claims 1, 31 and 30. As such it is respectfully urged that Ruff fails to participate or render obvious applicant's claims invention.

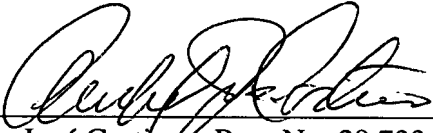
US Patent Nos. 5,961,593 to Gabber et al. and 5,835,9515 to Carr et al. (hereinafter "Gagger" and "Carr") as previously urged, add nothing to the teachings of Ruff in the context of rendering Applicant's invention obvious. More particularly, there is nothing in Ruff which, even if the teachings of Carr and Gagger where added, shows or suggests the use of a collection engine which functions in the manner described in accordance with applicant's claim in which collects the data and stores it in the manner recited in the claims, and in association with a conventional ISP.

For the foregoing reasons, it is respectfully urged that all of the claims clearly define patentable subject matter and that the application should be allowed and passed to issuance. It is also noted that a request for continuing examination has been filed and therefore the amendments to the claims should be entered as a matter of right. Nonetheless, should the Examiner still have any comments, questions or suggestions of a nature necessary to expedite prosecution of the application, or to place the case in condition for allowance, he is courteously requested to telephone the undersigned at the number listed below.

Application No. 09/608,135

Dated: October 16, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. José Cortina', written over a horizontal line.

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